



Chile

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

Chile is a multiparty democracy with a constitution that provides for a strong executive, a bicameral legislature, and a separate judiciary. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and retains certain institutional limits on popular rule. In January 2000, voters elected Ricardo Lagos of the Socialist Party as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavín of the Alliance for Chile coalition. All three presidents elected since the country returned to democracy in 1990 have been members of the four-party "Concertación" coalition. The National Congress consists of 120 deputies and 49 senators; this includes 9 designated senators and 2 former presidents who are senators-for-life, although former President Augusto Pinochet has been suspended pending an investigation into his alleged responsibility for human rights violations. On December 16, congressional elections to choose all deputies and 18 of the 38 elected senators were held; the results narrowed the Concertación coalition's lead in the lower house from 70-50 to 63-57. In the Senate, the elections resulted in a 24-24 split between pro-Lagos legislators and the opposition. The Constitution provides for a judicial system independent of the other branches of government, and continued turnover in the court system has reduced greatly the number and influence of military-era appointees over the judiciary.

The armed forces are constitutionally subordinate to the President through an appointed civilian Minister of Defense but enjoy a large degree of legal autonomy. Most notably the President must have the concurrence of the National Security Council, which consists of military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety, and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations are under operational control of the Ministry of Interior. Some members of the police committed human rights abuses.

The population is estimated at approximately 15 million. In 1999 the export-led free-market economy experienced its first recession after 15 consecutive years of expansion. Economic growth for the year was 3.1 percent with inflation of 2.6 percent. Copper remained the most important export; salmon, forest products, fresh fruit, fishmeal, other minerals, and manufactured goods also were significant sources of foreign exchange. Unemployment was 8.9 percent at the end of the year. The percentage of the population living below the poverty line decreased from 45 percent in 1987 to 20.6 percent in 2001. Annual per capita gross domestic product was approximately \$4,000.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious problems continued to be excessive use of force and mistreatment by police forces, and physical abuse in jails and prisons. Prisons are often overcrowded and antiquated. Detainees often are not advised promptly of charges against them nor granted a timely hearing before a judge. The authorities occasionally used force against protesters. Discrimination and violence against women and children continue to be problems. Indigenous people remain marginalized. A new labor code was introduced which is expected to reduce limitations on such fundamental worker rights as the right to organize and bargain collectively. Child labor is a problem in the informal economy.

During the year, the Government, primarily the judiciary, took significant steps to allow for the investigation of human rights abuses committed during the former military government and to bring those accountable in certain cases to justice. The bulk of the human rights abuses under the military regime occurred between 1973 and 1978, although a number took place after this period. In January the Defense Ministry-sponsored Human Rights Roundtable Dialog, including members of the armed services, religious groups, and human rights leaders, provided some information on the manner of death and fate of 200 persons who disappeared while in official custody during the Pinochet regime; however, military authorities were unwilling or unable to provide a

full accounting for the fate of many of the over 3,000 persons who were killed and disappeared. On July 10, the Santiago Court of Appeals ruled that former president Pinochet was mentally unfit to stand trial, and temporarily suspended all legal proceedings in the Caravan of Death case against him pending an improvement in his condition. The substance of the ruling cannot be challenged, although an appeal based on what could be characterized as procedural grounds was pending before the Supreme Court at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Other Unlawful Deprivation of Life

Unlike the previous year, there were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents; however, 26 inmates died due to a fire in a prison (see Section 1.c.).

A number of cases from previous years in which the police were accused of extrajudicial killings due to excessive use of force or mistreatment of prisoners while in custody remained under investigation or pending resolution of appeals.

There was no information available regarding the status of any investigation into the January 2000 death of Carlos Antonio Millaman Munoz, who was detained on charges of aggravated robbery. According to the Corporation for the Promotion and Defense of Human Rights of the People (CODEPU), persons who visited him at the headquarters of the Investigative Police in the Santiago suburb of La Florida reported that he was in bad physical condition and feared for his life; he was transferred to the El Salvador hospital where he died later in the day.

There was no information available regarding any investigations into the case of University of Tarapaca student Daniel Menco Prieto, whom police shot and killed during a 1999 student demonstration, or the case of Jonathan Moya Jara, whose body was found in 1999 after he allegedly had been arrested by two Carabineros.

In 1999 a court sentenced four police officers to 10 years in prison for the death of Raul Palma Salgado, who died in police custody in 1998 after police allegedly tortured him. After an appeal process, their sentence was reduced by a court martial. The reduced sentence was appealed to the Supreme Court and was pending at year's end.

No new information has become available in the case of Claudia Alejandra Lopez, who was shot and killed under unclear circumstances during a 1998 demonstration in Santiago. A Santiago Appeal Court judge has been specially appointed to investigate the case of the 1989 murder of leftist leader Jecar Nehgme, which was reopened in 1999 when new evidence was discovered. The judge is one of a number of special judges who have been appointed to investigate human rights violations (see Section 1.b.). The investigation continued at year's end.

In 1998 the United Kingdom detained former President Pinochet pending resolution of a Spanish extradition request on charges of genocide and murder. In March British Home Secretary Jack Straw denied Spain's request on the basis of medical exams indicating that Pinochet was unfit mentally and physically to defend himself against the charges; Pinochet returned to Chile where he faced charges in numerous human rights cases. The investigation of the most prominent of these cases, known as the Caravan of Death, led to a Supreme Court decision in August 2000 which lifted Pinochet's parliamentary immunity. On January 30, he was indicted by Judge Guzman as the author of 57 homicides and 18 instances of kidnapping; an appeals court later reduced the charges to engaging in a cover up of the crimes. Pinochet was placed under house arrest and subsequently freed on bail. On July 10, the Santiago Court of Appeals ruled, two to one, that Pinochet was mentally unfit to defend himself against the charges; the ruling was based on psychiatric and neurological exams. The Court temporarily suspended all legal proceedings against Pinochet in the case, pending an improvement in his condition. At year's end, the lawyers acting on behalf of the families of the victims were appealing the ruling to the Supreme Court on procedural grounds. They allege that the court applied due process provisions that apply in other parts of the country, but not in Santiago (see Section 1.e.). If the ruling stands, it is likely to impede the prosecution of Pinochet in almost 300 other human rights cases in which he is named as one of the accused.

On April 4, the case of Operation Albania--the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members--was passed to Judge Hugo Dolmestch after investigating Judge Milton Juica was named to

the Supreme Court. The case involving the 1986 deaths of journalist Jose Carrasco and three others also was given to Judge Dolmestch, since the parties being charged in both cases are essentially the same and both are related to the 1986 assassination attempt on Pinochet. There are 16 former military and police officers charged with these crimes, including retired army General Hugo Salas Wenzel, as well as two civilians. All were free on bail at year's end. The case was moved out of the military court and into the civilian court in 2000.

On April 15, Argentine Judge Rodolfo Canicoba sought to extradite Pinochet and former DINA (the secret police/intelligence service during the military regime) head Manuel Contreras in the investigation of Operation Condor, an undercover operation in which several military governments in Latin America cooperated to eliminate leftist opponents. On September 5, Supreme Court Judge Domingo Kokisch denied Pinochet's extradition on the basis that Pinochet's senatorial immunity was suspended by the Supreme Court only in the Caravan of Death case but still protects him from other charges. In addition, extradition requests may not proceed when the subject has been indicted and is under investigation for crimes committed in the country. This complication likely would impede any attempts to extradite Pinochet, Contreras, and several other figures allegedly involved in the human rights abuses abroad during the military regime.

On August 27, the judge investigating the 1982 killing of labor leader Tucapel Jimenez placed the responsibility for the murder with the Office of Army Intelligence. He charged six persons as direct authors of the crime, seven others for having participated, and three for having participated in the coverup. Among those charged were four retired generals, including Brigadier General Hernan Ramirez Hald who resigned shortly after he was charged. The investigation continued at year's end.

On June 15, the Supreme Court upheld the ruling of a lower court not to reopen the case of Carmelo Soria, a Spanish citizen working for the U.N. and killed in Santiago in 1976. Soria's family continued to negotiate compensation with the Government.

On October 8, a Chilean judge ordered the preventive arrest of four retired generals and a civilian as a first step in processing their extradition for their role in the 1974 car bombing in Buenos Aires that killed former Chilean army chief Carlos Prats and his wife Sofia Cuthbert. In August the Supreme Court ruled that Pinochet continued to enjoy parliamentary immunity in this case and therefore was not subject to extradition. The family subsequently sought the lifting of Pinochet's immunity.

In December 2000, the family of Charles Horman, whom security forces killed in Santiago in 1973, filed a criminal complaint in Santiago. The investigation into Horman's death was given to Judge Juan Guzman. On June 6, the Supreme Court denied a request by Horman's widow that responsibility for the investigation be transferred to a specially designated minister of the court. On September 13, the autonomous State Defense Council (charged with representing the interests of the state in the country's courts) voted not to become a party to the case. Judge Guzman decided not to interrogate Pinochet in the case on the grounds that he continues to have parliamentary immunity.

The August 2000 ruling by the Supreme Court lifting Pinochet's immunity in the Caravan of Death case included an opinion by the majority indicating that the Amnesty Law and the statute of limitations should be applied only after the circumstances of the crime and the guilty party has been identified. However, several justices of the Supreme Court subsequently indicated that the Court may leave the question of how to apply the Amnesty Law to the discretion of individual judges. Throughout the year, several judges (particularly in courts-martial) continued to close cases under the Amnesty Law without completing an investigation into the circumstances of the crime. The Foundation for Social Help of Christian Churches (FASIC), the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the Inter-American Commission on Human Rights (IACHR) regarding previously closed disappearance and execution cases. Denial-of-justice cases based on application of the Amnesty Law also have been filed with the U.N. Commission on Human Rights (UNCHR).

b. Disappearance

There were no reports of politically motivated disappearances.

In January, through the Defense Ministry-sponsored Human Rights Roundtable Dialog, the armed forces provided information on the whereabouts of 200 persons who disappeared while in official custody during the Pinochet regime. All of the information was made public, but subsequent investigations have found that some of the information provided was inaccurate. While noting the value in having the armed forces officially acknowledge the commission of human rights abuses during the Pinochet regime, President Lagos noted that there remain over 600 cases of missing persons about whose whereabouts no information has been provided. On August 18, the Ministry of Justice provided funds to enable 9 judges to dedicate their time exclusively to cases of disappearances and to allow another 51 judges to give preference to the investigation of such cases.

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (now called "Villa Baviera"), a secretive German-speaking settlement 240 miles south of Santiago, made no further progress during the year. In 1999 investigating judge Juan Guzman issued a detention order against the 79-year-old founder of the enclave, Paul Schaefer, for the kidnaping and disappearance in 1974 of Alvaro Vallejos in the vicinity of Colonia Dignidad. Schaefer, also wanted by the authorities on other charges, remained a fugitive at year's end. In October 2000, the authorities had arrested Schaefer's deputy Gerhard Muecke in connection with Vallejos's disappearance. The Government issued an order to expel Muecke, but he must stand trial first in connection with Vallejos's disappearance and two other charges that remained under investigation at year's end. Muecke remained in custody at year's end.

In 1985 Boris Weisfeiler disappeared near Colonia Dignidad under circumstances that have yet to be fully clarified. The case was reopened at the beginning of 2000 and is among those being investigated by Judge Guzman. There were no new developments by year's end.

In 1999 the court indicted former army Sergeant Major and DINA agent Barclay Zapata ("El Trogló") in the disappearance of Jose Manuel Ramirez, who was arrested by agents of the DINA in 1974. The case remained under investigation.

Of the 1,156 persons who disappeared under the military regime, the remains of over 900 have yet to be found. The government agency in charge of the compensation program for the families of those executed or disappeared under the military regime recognizes 3,197 victims of the Pinochet era. These include 2,095 victims in which circumstances of death have been established and 1,102 cases in which the persons disappeared. Survivors of the victims receive pensions, educational benefits, and other assistance. During the year, monthly pension benefits, distributed to an average 3,441 eligible survivors (spouse, mother or father, and children), were approximately \$9.5 million (6.3 billion pesos). Since 1992, the program has distributed well over \$87 million (57.8 billion pesos). Survivors receive pensions, educational benefits, and other assistance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of excessive pressure on detainees; however, the CODEPU has received reports of abuse and mistreatment by both the Carabineros and the Investigations Police. When requested by other human rights organizations or family members, CODEPU lawyers visit detainees during the interrogation and represent some suspected terrorists in court. The CODEPU continues to investigate alleged use of excessive force against detainees. The Minister of Interior asks the courts to conduct independent investigations of credible complaints of police abuse, but such investigations often do not result in arrests, due in part to the reluctance of judges to pursue the issue vigorously.

The law provides that if a member of the police force uses "torture or unlawful coercion," either physical or mental, or orders them to be applied, or commits them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the "necessary power and authority" to prevent or stop it also would be considered accessories to the crime if they fail to do so. The CODEPU has found that this law had an important impact on the conduct of the Investigative Police, but less so in the case of the Carabineros.

In August the Latin American Faculty of Social Sciences (FLACSO) published a report on complaints filed in the courts of police violence in the country. The report indicates that reports of police violence which have come before the courts have more than doubled over the last decade. The author speculates that some, but not all, of the increase may be attributable to an increased willingness on the part of citizens to report police mistreatment and the rise in arrests for certain types of crimes.

Unlike previous years, no new information has become available regarding the mistreatment of military conscripts during the year.

During the year, there were increasing instances of violent confrontations between radical Mapuche groups and local landowners, logging companies, and government authorities in the southern part of the country (see Section 5). The actions took the form of protests and, occasionally, instances of rock-throwing, land occupations, burning of crops, and short-term seizures of government offices.

Police occasionally used force against protesters (see Section 2.b.).

During the year, courses in human rights became part of the core curriculum in police academies for both rank and file police and officers.

Prisons are often overcrowded and antiquated. On May 20, a fire broke out in the prison in Iquique that led to the death of 26 prisoners. A police investigation into the circumstances surrounding the fire and the subsequent response by prison officials continued at year's end. The Ministry of Justice announced a \$5 million (3 billion pesos) program in all prisons to develop contingency planning for emergencies and prevent such incidents from occurring in the future.

Overcrowding in prisons continues to be a focus of concern within the Government. The Ministry of Justice stated that in mid-October there were 34,335 prisoners in prisons designed to lodge 23,025 inmates. On October 17, the Ministry of Justice opened bids on 3 new prisons, to be completed in December 2003 and designed initially to house 4,800 prisoners. These prisons are part of a plan to construct 10 new prisons in the next several years, to house an initial population of 16,000 prisoners. Even with this ambitious construction program, the growing prison population is projected to continue to exceed the space available. Food meets minimal nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can rent space in a better wing of the prison.

Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, prisoners have complained to CODEPU about beatings, and the courts have received numerous complaints of mistreatment of prisoners. Prison guards have been accused of using excessive force to stop attempted prison breaks. During the year, two prison guards were convicted of abusing prisoners in the "Alfa" unit of the Colina high security prison. Pretrial detainees generally are not held with convicted prisoners. Statistics on complaints of mistreatment and reliable reporting of such instances during the year were not available.

The CODEPU is particularly concerned about the treatment of prisoners in maximum-security prisons and prisoners with HIV/AIDS and mental deficiencies who often do not receive adequate medical attention.

Women generally are housed in separate facilities, which tend to be less crowded and with somewhat better conditions than men's prisons.

By law, juvenile offenders (those under the age of 18) are segregated from adult prisoners. According to the latest available figures, there were 422 minors in adult prisons at the end of 1998. The National Minors Service began construction of two juvenile detention centers during the year and two more are planned or under consideration for 2002.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The authorities generally respect constitutional provisions for arrest and detention; however, detainees often are not advised promptly of charges against them nor granted a timely hearing before a judge. The Constitution allows civilian and military courts to order detention for up to 5 days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. The law does not permit a judge to deny such access; police authorities generally observe these requirements.

In practice many detainees are not advised promptly of charges against them, and they are not granted a timely hearing before a judge. The most recent statistics available showed that at the end of 1999, 8 percent of the general prison population of 24,791 was under investigation but not charged with a crime; 45 percent were charged with an offense and were awaiting trial or had been convicted and were awaiting sentencing; and 48 percent were serving sentences.

The law requires police to inform those detained of their rights, to expedite notification of the detention to family members, and eliminates the ability of police to demand identification from or stop persons based solely on suspicion. The law also prohibits physical abuse by police against detained persons (see Section 1.c.). The Constitution allows judges to set bail.

There were no cases of forced exile.

An amnesty law that went into effect on July 19 allows for the commutation of sentences for invalids suffering a grave and incurable illness that prevents them from moving about by their own means. In the case of those convicted of crimes of terrorism, their sentence is to be commuted to exile if another country agrees to accept them.

e. Denial of Fair Public Trial

The Constitution provides for a judicial system independent of the other branches of government, and continued turnover in the court system has reduced greatly the number and influence of military-era appointees over the judiciary.

Cases decided in the lower courts can be referred to appeals courts and ultimately to the Supreme Court. Criminal court judges are appointed for life. Constitutional reforms set 75 as the age limit for Supreme Court justices, gave the Senate the right to approve or disapprove presidential nominations to the Court, and increased court membership from 17 to 21. Of the 21 justices on the Supreme Court, 2 were appointed under the military regime. The Supreme Court prepares lists of nominees for the Supreme Court and appeals courts, from which the President makes nominations. The Supreme Court continues to work with the other branches of government on broad judicial reform.

If formal charges are filed in civilian courts against a member of the military, including the Carabineros the military prosecutor asks for jurisdiction, which the Supreme Court sometimes has granted. This is of particular consequence in human rights cases from the period covered by the Amnesty Law. In addition, military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Rulings by military tribunals may be appealed to the Supreme Court. Persons accused of terrorist acts and persons arrested during demonstrations for assaulting a police officer are brought before military tribunals.

Civilians prosecuted in military courts have the same legal protections as those prosecuted in civilian courts (see section 2.a.). They are entitled to counsel, the charges are public, the sentencing guidelines are the same (with the exception that the death penalty can be imposed in a military court but not in a civilian court) and appeals ultimately may be heard by the Supreme Court. The primary difference in the middle court system is that the initial investigation and charges are brought by a military prosecutor and the first instance of appeal is in a Court Martial, composed of two civilian and three military judges.

A 1997 judicial reform law created the post of Attorney General, with a 10-year term, and a related ministry office that is expected to be in full operation by 2002. An office of Public Defender also was established to provide professional legal counsel to anyone who should seek such assistance (see Section 1.d.). The judicial reform law, which applies to criminal cases, provides that national and regional prosecutors investigate crimes and formulate charges, leaving judges and magistrates the narrower function of judging the merits of evidence presented to them. Training and administrative setup began in 1999, and implementation began in December 2000, with oral trials in 2 of the 13 political regions. In October three additional regions began implementing the reform. Initial reports indicate that the reform has resulted in a more transparent process, greater respect for defendants' rights, and speedier trials.

The preexisting criminal justice system does not provide for trial by jury. In those regions where the judicial reform law has yet to be implemented, criminal proceedings are inquisitorial rather than adversarial. The Constitution provides for the right to legal counsel, but indigent defendants, who account for the majority of the cases, have not always received effective legal representation. They are usually represented by someone from the Government's legal assistance corporation, often a law student finishing his/her studies and doing a mandatory internship. On occasion, the court may appoint a lawyer.

There were no reports of political prisoners, although inmates in Santiago's maximum-security prison who have been convicted of terrorist acts routinely claim to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. A 1995 privacy law bars obtaining information by undisclosed taping, telephone intercepts, and other surreptitious means, as well as the dissemination of such information, except by judicial order in narcotics-related cases.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects the rights in practice. Human rights groups have criticized the existence and application of laws that allow government officials to prosecute journalists who insult or criticize them; the Government revoked one such law during the year.

The press maintains its independence, criticizes the Government, and covers issues sensitive to the military, including human rights cases.

On May 19, President Lagos signed a law on freedom of the press that eliminated a provision under the State Security Law of 1958 that made it a criminal offense to besmirch the honor of state institutions and their members and symbols, such as the Congress, the Supreme Court, the military services, the flag, and the President. Before its revocation, individual government officials had occasionally invoked the provision. Military courts have the authority to charge and try civilians for defamation of military personnel and for sedition, but their rulings may be appealed to the Supreme Court (see Section 1.e.). As a result of the new press law, charges against journalist Alejandra Matus were dropped and she was able to return to the country without fear of arrest. Her once-banned book, "The Black Book of Chilean Justice," was allowed to circulate freely and confiscated copies were returned to the publisher and bookstores.

Under the new press law, the courts also absolved journalist Paula Afani Saud, who was charged with breaching the secrecy of a criminal investigation when she wrote articles in 1998 about an investigation by authorities into narcotics trafficking and money laundering. Afani refused to identify her sources for information contained in the articles and claimed that the subsequent charges brought against her violated the public's right of access to information and counteracted a government initiative to protect the confidentiality of journalist's sources.

Despite the new law, the Penal Code still prohibits insulting state institutions such as the Presidency, as well as legislative and judicial bodies. In December the President of the Supreme Court brought charges against a talk show participant who, commenting on the case of a woman who spent 3 years in prison for a crime for which she ultimately was absolved, accused the justice system of being immoral, cowardly, and corrupt. He was briefly imprisoned and released on bail.

In December the President of the State Defense Council brought private libel charges against El Mercurio for criticism of her performance of official duties and the suggestion that she resign. She had to bring charges on a private basis because the State Defense Council is not one of the institutions covered against libel in the Penal Code.

A 1996 privacy law set penalties for those who infringe on the private and public life of individuals and their families; however, the privacy law has never been applied to the media.

Two major media groups control most of the print media, which are largely independent of the Government. The State is the majority owner of La Nacion newspaper, but its editorial content is not under direct government control. Investigative journalism is practiced infrequently for both financial and political reasons; however, electronic newspapers are beginning to include such stories more frequently.

The broadcast media also are largely independent of government direct influence. The Television Nacional network is state-owned but not under direct government control. It receives no government subsidy and is self-financing through commercial advertising. It is editorially independent and is governed by a board of directors appointed by the President and approved by the Senate. Members reflect various political viewpoints, and the board encourages the expression of varied opinions over the network.

The National Television Council (CNT), created by legislation in 1989 and supported with government funding, is charged with assuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent or to have obscene language or sexually explicit scenes may be shown only after 10 p.m. when "family viewing hours" end. In practice, the ever-increasing volume of programming makes the CNT's job all but impossible. The CNT issues occasional warnings to networks and cable providers and sometimes obliges them to postpone the showing of certain films until after 10 p.m. It also occasionally levies fines. Debate continued over the CNT's role during the year.

On July 11, the Congress approved a constitutional reform designed to put an end to film censorship and established a film classification system to take its place. Although film censorship technically is not scheduled to end until the new classification system is up and running, no films were banned during the year. Following a February 10 ruling criticizing the Supreme Court's decision to ban the exhibition of the film "The Last Temptation of Christ," on December 8, the Inter-American Court of Human Rights gave the Government 60 days to explain what steps had been taken to end censorship and allow exhibition of the film.

The courts may prohibit media coverage of legal cases in progress but do so rarely. The press has begun

using foreign Internet web sites to publish articles when gag orders are issued. The Government does not restrict use of the Internet.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully, and the Government generally respects this right in practice; however, police occasionally used force against demonstrators.

On March 17, riot control police used water cannons, tear gas, and horses to end an unauthorized march of 500-600 demonstrators who were protesting the 42nd annual meeting of the Board of Governors of the Inter-American Development Bank. Fifteen protesters were arrested. No injuries were reported. Three days later, police used water cannons and tear gas to disperse 200 protesting students at Metropolitan University; students threw rocks and molotov cocktails at the police. Between 20 and 60 persons were detained.

On July 9, approximately 300 persons in Santiago's main square protested a court ruling in the case against former President Pinochet (see Section 1.a.). The police used water cannons on the protesters after they attacked a bus carrying military cadets. Six persons were detained.

On July 25, police used water cannons on violent protesters in Temuco; 50 persons were injured, including 14 policemen. The authorities detained 127 persons and charged 6 with assault on police officers (see Section 5).

The Constitution provides for the right of association, and the Government generally respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Church and state are officially separate; however, the Roman Catholic Church continues to receive some preferential treatment. All denominations practice their faiths without restriction.

A 1999 law on religion, designed to bring other religious entities in line with the legal status enjoyed by the Catholic Church, went into effect in March 2000. The new law bestows the same legal status that the Catholic Church previously enjoyed upon all other faiths. The new religion law removed the ability of the State to dissolve religious entities by decree. Instead, this only can occur after a judicial review begun by a complaint filed by the autonomous State Defense Council.

Many of the approximately 2 million Protestants, who represent about 12 percent of the population according to the latest census (1992), assert that the Government has discriminated against them. They cite the absence of Protestant armed forces chaplains, difficulties for pastors to visit military hospitals, and the predominantly Catholic religious education in public schools. Military recruits, whatever their religion, are required at times to attend Catholic events involving their unit. The new law grants other religions the right to have chaplains in public hospitals, prisons, and military units. On December 13, President Lagos designated Methodist Bishop Neftali Aravena as copastor for the chapel located in the presidential palace. Aravena is the first non-Catholic pastor assigned to the chapel in the Presidential Palace.

On July 17, the President promulgated new regulations reinforcing a prisoner's right freely to profess the religion of his or her choice. The regulations require prisons to develop areas for worship and enlist Protestant and Catholic chaplains to hold services. As much as 70 percent of the prison population is estimated to engage in religious activities, primarily evangelical or Catholic.

Schools are required to offer religious education twice a week through middle school; enrollment in religious classes is optional for students. It is mandatory to teach the creed requested by parents, although enforcement is sometimes lax. Instruction is predominantly in the Roman Catholic faith.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. In order for minor children to leave the country, either alone or with only one of their parents, they must have notarized permission from the nonaccompanying parent(s).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and over. In January 2000, voters elected Ricardo Lagos, of the Socialist Party, as president in a free and fair runoff election. He defeated center-right candidate Joaquin Lavín of the Alliance for Chile coalition. Lagos is a member of the center-left Concertación Coalition, which includes his Socialist Party, the Christian Democratic Party, the Party for Democracy (of which Lagos is also a member), and the Radical Social Democrat Party.

The legislative branch, with the exception of 11 nonelected senators among the 49 members of the upper house, is elected freely and is independent from the executive branch. On December 16, free and fair congressional elections were held for all 120 seats in the lower house and 18 of the 38 elected seats in the Senate. The elections resulted in a 24-24 split between pro-Lagos senators and those of the opposition and narrowed the Concertación coalition's lead in the lower house from 70-50 to 63-57.

The Government still operates under some political restraints that the military regime imposed. Under the 1980 Constitution, various national institutions—including the President, the Supreme Court, and the National Security Council (the latter acting on nominations by the armed forces)—appoint an additional nine Senators (beyond those elected) to 8-year terms. In addition, former presidents Pinochet and Frei exercised their option to become senators-for-life. Pinochet has been suspended pending an investigation into his alleged responsibility for human rights violations (see Section 1.a.).

The former military government wrote the 1980 Constitution, and amended it slightly in 1989 after losing a referendum on whether General Pinochet should stay in office as president. The Constitution provides for a strong presidency and a legislative branch with limited powers. It includes provisions designed to protect the interests of the military and places limits on majority rule. These provisions include limitations on the President's right to remove the commanders in chief of the three armed services, and the Carabineros, certain types of legislation that require super-majorities, and the provision for nonelected senators. In January the IACHR issued a resolution criticizing the existence of designated senators and senators-for-life and urged the Government to end the practice. In October 2000, a Senate Commission (including two designated Senators) unanimously had approved a proposal that would abolish these positions starting in 2006; however, at year's end, Congress had not passed legislation codifying this and other proposals for constitutional reform.

Women have the right to vote and are active in all levels of political life, including grassroots movements. Although women are a majority of registered voters and of those who actually cast ballots, the percentage of women in government and politics does not correspond to their percentage of the population. There are 15 women among the 120 deputies, 2 women in the 49-seat Senate, and 5 women among the 16 cabinet ministers. In October President Lagos appointed the first woman ever to serve as one of the 21 justices of the Supreme Court.

The approximately 1.2 million indigenous people have the legal right to participate freely in the political process, although relatively few are active politically. The one member of Congress of indigenous descent chose not to run for reelection in the December elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several human rights NGO's are active; however, many are facing difficulties, due to limited sources of funding. The Chilean Human Rights Commission, an NGO, is affiliated with the International League of Human Rights. The FASIC continues to be active on the full range of human rights issues. The CODEPU and the Corporation to Defend the Rights of Juveniles (CODEJU) greatly reduced their scope of activity during the year. The Government cooperates with domestic NGO's efforts to investigate current accusations of human rights violations. Many international NGO's also follow human rights issues closely.

On May 4, the Minister of Interior created an advisory council to oversee a new autonomous state agency

created to protect and promote human rights. According to the director of the program, the agency is expected to help the Legal Medical Service identify the remains of those who disappeared during the Pinochet regime; cooperate with the judiciary in designating special judges to investigate disappearances; and, through the Ministry of Defense, work with the armed forces to obtain more information (see Section 1.b.). Both the council and the agency were active by the year's end. On May 9, President Lagos signed a decree creating a Council for the Defense of Citizens which was active by year's end; however, it is unclear whether it was designed to receive complaints about human rights abuses by government officials and agencies.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law and the Government generally respects these provisions. In 1999 Congress amended the Constitution to emphasize the principle of equality between men and women and now states that "persons are born free and equal in their dignity and rights." The new Labor Code prohibits discrimination based on race, color, sex, age, marriage status, union membership, religion, political opinion, nationality, national origin, or social status (see Section 6.a.); however, such discrimination occurs in practice.

Women

Serious problems affecting women include sexual and domestic violence. The public is becoming increasingly aware of the extent of physical abuse of women. During the year, the National Women's Service (SERNAM), which combats discrimination against women, conducted courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. A 1994 law specifically prohibits violence within the family. A study done in July by the University of Chile indicates that over half the women in the country have experienced violence in their relationship with their partner. The study calculates that 34 percent of women have been subject to physical violence (of which 14.9 percent was sexual violence) and another 16.3 percent have suffered psychological violence. Since the law on intrafamily violence went into effect, the number of cases presented in the courts has increased from 1,419 in 1994 to 73,559 in 1999. In July SERNAM and over 70 NGO's initiated a campaign that included prominently displayed posters and other activities designed to increase public awareness of the problem of violence against women and reduce its incidence.

The courts may order counseling for those involved in intrafamily violence. At the end of 2000, there were 12 government and 8 private centers to attend to victims of intrafamily violence; the Government opened 5 additional centers during the year.

In 1999 a law took effect increasing the penalties for sexual abuse. The legislation includes clauses to facilitate proof of the crime and to protect the privacy and safety of the person making the charge. The Citizens' Peace Foundation indicated that there were 1,250 cases of rape reported to the police in 2000, 1,297 in 1999, and 1,052 in 1998. Experts believe that a majority of rape cases go unreported.

Adult prostitution is not legal nor is it expressly illegal. Police habitually round up prostitutes (usually as a result of complaints by residents of the neighborhood) and accuse them of "offenses against morality" which can lead to a \$75 (50,000 pesos) fine or 5 days in prison.

There are no laws against sexual harassment, although it is generally recognized as a problem.

Legal distinctions between the sexes still exist. The law permits legal separation but not divorce, so those who wish to remarry must seek annulments. Since annulment implies that a marriage never existed under the law, former spouses are left with little recourse for financial support. A 1994 law created conjugal property as an option in a marriage, but some women saw this as a disadvantage, since the law on separate property (which still exists) gives women the right to one-half their husbands' assets but gives husbands no rights to assets of the wife. In the face of heavy opposition from the Catholic Church, the Chamber of Deputies approved a divorce bill in 1997; the bill faces Senate opposition but was still on the legislative agenda at year's end.

A July SERNAM study found that the average earnings of women are 68.2 percent of those of male heads of household. Women with no schooling averaged a salary that was 81.3 percent that of their male counterparts. The minimum wage for domestic helpers (who are thought to number 300,000 in what is probably the largest single category of working women) is only 75 percent of the standard minimum wage (see Section 6.e.). Women with university training averaged 53.4 percent as much as their male counterparts. The Labor Code provides specific benefits for pregnant workers and recent mothers; these also apply to domestic workers. Employers do not have the right to ask women to take pregnancy tests prior to hiring them, although the La Morada Corporation for Women has received reports that the practice continues in some companies.

Children

The Government provides free education through high school; education is compulsory from first through eighth grade.

Violence against children is a serious problem, although it appears to be declining. A survey of 8th grade students by UNICEF comparing the incidence of mistreatment in the years 1994 and 2000 showed that in 1994, 63 percent of children had been subject to some sort of physical violence compared to 54 percent at the end of the period. During the same period, those having suffered some sort of serious physical violence from their parents had fallen from 34 percent to 25 percent. Violence by the mother (21.3 percent) was almost twice as frequent as violence by the father (11.9 percent), and violence in low-income households (31 percent) almost double that in high-income households (16.3 percent).

A 1999 report by the National Minors Service (SENAME) noted that it had handled the cases of 5,453 mistreated children for the first 6 months of that year; 583 of these cases were judged severe enough to be presented to legal authorities. The SENAME reported that 9,723 cases of abuse were brought to its attention in 1998. From mid-1998 to December 1999, the SENAME brought to the courts 713 cases for child abuse, 314 for rape, 292 for sexual abuse, 79 for grave harm done to children, and 28 cases of homicide. Of the cases, 70 percent came to trial, of which 80 percent resulted in convictions. Beginning in 1997, the SENAME lawyers began receiving specialized training in child abuse cases, leading to a higher conviction rate of offenders according to the Director of the organization. A report from the La Morada Corporation for Women released in 1999 estimated that there are 20,000 cases of sexual abuse of children every year.

A 1996 UNICEF report stated that 34 percent of children under 12 years of age experience serious physical violence, although only 3.2 percent of the victims of intrafamily violence reported to the Carabineros family affairs unit were below the age of 18. A 1994 law on intrafamily violence was designed in part to address this problem. According to UNICEF, some form of corporal punishment is used by one or both parents in 62 percent of households.

There are legal sanctions for adults who are found to have induced children under the age of 18 to engage in commercial sex or engage them for the purposes of pornography. UNICEF estimated in 1999 that there were roughly 10,000 child prostitutes between the ages of 6 and 18. The age of consent is 12 years; the law is vague regarding child prostitution above this age unless force, fraud, or abuse of authority can be proven.

Police and social workers attempt to place child prostitutes found on the streets in juvenile homes.

Child labor is a problem in the informal economy (see Section 6.d.).

Persons with Disabilities

A 1994 law promotes the integration of persons with disabilities into society; the Government's National Fund for the Handicapped has a small budget to encourage such integration. The 1992 census found that 288,000 citizens said that they had some form of disability. Persons with disabilities still suffer some forms of legal discrimination; for example, blind persons cannot become teachers or tutors. Although a 1994 law requires that new public buildings provide access for persons with disabilities, the public transportation system does not make provision for wheelchair access, and subway lines in the Santiago metropolitan area provide facilitated access for persons with disabilities only in some areas.

Indigenous People

Approximately 1.2 million persons identify themselves as indigenous. The Mapuches, from the south, account for approximately 930,000 of this total. There are also small Aymara, Atacameno, Huilliche, Rapa Nui, and Kawaskhar populations in other parts of the country. A committee composed of representatives of indigenous groups participated in drafting the 1993 law that recognizes the ethnic diversity of the indigenous population and gives indigenous people a voice in decisions affecting their lands, cultures, and traditions. It provides for eventual bilingual education in schools with indigenous populations, replacing a statute that emphasized assimilation of indigenous people. Of the population that identifies itself as indigenous, about one-half remain separated from the rest of society, largely due to historical, cultural, educational, and geographical factors. In practice, the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources is marginal. Indigenous people also experience some societal discrimination.

The National Corporation for Indigenous Development (CONADI) was created in 1994, and indigenous people

were elected directly as representatives to this body in 1995 and 1999. It advises and directs government programs that assist the economic development of indigenous people. During the year, CONADI was accused of irregularities in the purchase and distribution of land to indigenous groups. In May 2000, the Commission for Truth and New Treatment appointed by the Lagos administration proposed a 16-point program aimed at addressing indigenous concerns. As part of the program, the Commission for Truth and New Treatment became permanent, with a mandate to find ways facilitate the participation of Mapuche and other indigenous populations in the formulation of national policies affecting them. The commission met during the year and is charged with issuing a report by January 2003.

The number of incidents of unrest increased compared with the previous year. CONADI offices were occupied on a number of occasions. There were numerous land seizures. On July 25, in Temuco between 500 and 1,000 persons protested the arraignment of indigenous people accused of illegal land seizures and the execution of a search warrant and confiscation of evidence in the offices of an indigenous activist organization. Barricades were erected in front of regional government offices and the protest became violent. Police used water cannons on the protesters. Fifty persons were injured in the confrontation, including 14 policemen. Police arrested 127 persons; 6 were charged with assaulting police officers. In September a land seizure in Loncali was ended by the intervention of a large detachment of armed Carabineros.

Several Mapuche families continued to object to exchanging traditional lands for other property as part of the Ralco hydroelectric project. Sixty-seven families accepted economic inducements to move to other land but six families involved continued to object to ENDESA's effort to have them resettled. Land occupations and other violence by isolated Mapuche Indian groups against private forestry companies occurred through much of the year (see Section 1.c.). In September hooded individuals burned machinery being used in the construction of the Ralco Dam.

The Ninth region, which is mainly Mapuche, is one of the regions using the new criminal justice system (see Section 1.e.). Some Mapuche see the new system as a way to target and repress the Mapuche; these feelings of distrust may represent a lack of understanding of the new system, which in fact provides them with enhanced rights.

The Government was preparing a response to a 1999 suggestion from the U.N. Committee for the Elimination of Racial Discrimination that the Government apologize to and compensate indigenous people for their historical treatment, and explicitly outlaw racial and ethnic discrimination.

National/Racial/Ethnic Minorities

The country assimilated a major European migration in the 19th century and major Middle Eastern and Croatian migrations in the early part of the 20th century. Smaller racial and ethnic minority groups such as those of Asian descent and African-Chileans also exist and experience some societal intolerance.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to form unions without prior authorization and to join existing unions. The work force is estimated at 5.87 million persons, of whom 3.7 million are salaried. Union membership is approximately 580,000, or roughly 10 percent of the work force. Police and military personnel may not organize collectively. Members of unions are free to withdraw from union membership. The law prohibits union shops.

The Labor Code permits nationwide labor centrals; the Unified Workers Central (CUT) is the largest and most representative of these. Labor unions are effectively independent of the Government, but union leaders usually are elected from lists based on party affiliation and sometimes receive direction from party headquarters. Political activities or affiliations of unions or union officials are not restricted, although currently serving union officials are not allowed to hold public office. Registering a union is a simple process. On September 28, President Lagos signed into law a major reform of the Labor Code, which went into effect on December 5. Among various other provisions aimed at facilitating the formation of unions and promoting collective bargaining, the reform freed unions from government regulation of their internal organization and permitted unions to be structured along geographic as well as functional lines.

Employees in the private sector have the right to strike; however, the Government regulates this right, and there are some restrictions. The law permits replacement of striking workers, subject to the payment of money distributed among the strikers. Public employees in theory do not enjoy the right to strike, although government teachers, municipal, and health workers have struck in the past. The law proscribes employees of some 30

companies--largely providers of essential services (e.g., water and electricity)--from striking; it stipulates compulsory arbitration to resolve disputes in these companies. There is no provision for compulsory arbitration in the public sector. Strikes during the harvest season are prohibited.

Employers must pay severance benefits to striking workers and must show cause to dismiss workers.

There were a number of strikes throughout the year. In May a strike against the bicycle manufacturer Bianchi received considerable attention when one of the striking workers was struck and killed by a bus carrying nonstriking workers attempting to enter the facility. The case remained under investigation for possible criminal charges at year's end.

The CUT and many other labor confederations and federations maintain ties to international labor organizations.

b. The Right to Organize and Bargain Collectively

Despite legal provisions for collective bargaining, before the modifications that went into force on December 1 the Labor Code included provisions that made it difficult for trade unions to organize in many sectors. As a result, the majority of workers work under individual contracts. Employers say that this is due to the workers' preference, distrust of union leaders, and loyalty to companies. Union leaders counter that the Labor Code--which does not allow union shops--prevents successful organization in many sectors. Unions cite the widespread practices of subcontracting, individual contracts, and temporary employment as ways that employers resist unionization. In June the International Labor Organization (ILO) requested that the Government amend its legislation clearly to prevent the practice of "multiple individual contracts" when a representative trade union exists and to ensure that employers' direct negotiation with workers does not create difficulties for, or weaken the position of, trade unions. The modifications to the Labor Code that were approved in September and went into force on December 1 addressed this issue.

The modifications of the Labor Code are also expected to make union organizing easier and preliminary data on new union formation after December 1 appear to confirm those expectations. Workers engaged in the formation of a union may not be discharged during the period from 10 days before to 30 days after the vote to unionize. Likewise, the workers engaged in collective bargaining are immune for 10 days before the presentation of a contract proposal until 30 days after it is signed. They are also entitled to all pertinent financial information from the company for the last 2 years. The modifications also greatly increase fines for violating immunities enjoyed by union leaders or artificially dividing up a company for the purpose of avoiding provisions in the code or resisting unionization. To enforce the new provisions, the Labor Directorate under the Ministry of Labor plans to hire 443 new employees, including 300 labor inspectors, almost doubling the number of field inspectors.

Amendments to the Labor Code resulting from the September reform placed additional limits on the causes for dismissal (for example, misconduct outside the workplace is no longer grounds for dismissal) and significantly increased the penalties for unjustified dismissals. Employees who believe they have been dismissed unfairly or dismissed owing to their trade union activities file complaints with the Ministry of Labor and ultimately, the labor tribunals. According to the revised labor code, if the dismissal is found to be related to trade union activity on the part of the employee, he or she may choose between reinstatement with back wages or an additional compensatory payment. The burden of proof rests with the employer in cases in which alleged illegal antiunion activity is supported in a report by a labor inspector.

During the year, there continued to be allegations that employers dismissed workers for union activity and attempted to avoid a complaint by immediately paying them some multiple of the normal severance pay. During the year, labor leaders complained that companies invoked the law's needs-of-the-company clause to fire workers after a union had signed a new contract. Workers often are reluctant to contest these actions because of the huge backlog in the Labor Tribunals. This is expected to change now that the Labor Directorate may become a party to these cases. A reform of the Labor Tribunals also is being contemplated to separate pension complaints, which constitute the bulk of pending cases, from disputes over unfair labor practices.

Temporary workers--defined in the Labor Code as those in agriculture and construction, as well as port workers and entertainers--may form unions, but their right to collective bargaining is limited. The recent modification of the Labor Code contains reforms aimed at facilitating collective bargaining in the agricultural sector but it is still dependent on employers agreeing to negotiate. Inter-company unions are permitted to bargain collectively only if the individual employers agree to negotiate under such terms.

Labor laws apply in the duty free zones; there are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code prohibit forced or compulsory labor, and it is not known to occur. While the Labor Code does not specifically prohibit forced and bonded labor by children, there were no reports of such practices.

d. Status of Child Labor Practices and Minimum Age for Employment

The law restricts child labor; however, it is a problem in the informal economy. The law allows children between the ages of 16 and 18 to work with the express permission of their parents or guardians. The law allows 15-year-olds to work under certain conditions; their parents must consent, they must have finished compulsory schooling, and they may only perform light work not requiring hard physical labor, or constituting a threat to health and childhood development. Additional provisions in the law protect workers under 18 years of age by restricting the types of work open to them (for example, they may not work in nightclubs), and by establishing special conditions of work (they may not work more than 8 hours in 1 day). The minimum age to work in an underground mine is 21 years; special regulations govern the ability of 18- to 21-year-olds to work at other types of mining sites.

Labor inspectors enforce these regulations, and compliance is good in the formal economy; however, many children are employed in the informal economy. UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 work. A government study in 1996 estimated that 15,000 children between the ages of 6 and 11 and 35,000 children between the ages of 12 and 14 were in the work force. A 1998 Catholic Church study estimated that 50,000 children under the age of 15 worked. The majority of these were males from single-parent households headed by women; among these were children who worked more than 40 hours per week and did not attend school. Children sell chewing gum on the street, wash windshields, work as street performers, beg, or help their parents to harvest crops. Child prostitution also is a problem (see Section 5). The Ministry of Labor convenes regular meetings of a tripartite group (business-labor-government) to monitor progress in eradicating child labor. The Labor Code does not specifically prohibit forced and bonded labor by children, but such practices were not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The law sets minimum wages, and the minimum wage is adjusted annually. A tripartite committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. The minimum wage as of December 31 was approximately \$157 (105,000 pesos) net of deductions per month. This wage is designed to serve as the starting wage for an unskilled single worker entering the labor force and does not provide a worker and family with a decent standard of living. The minimum wage for domestic servants is 75 percent of that for other occupations (see Section 5). The Government estimates that the percentage of those working at or below minimum wage rose from 9.1 in 1998 to 14.4 in 1999. More recent figures are not yet available. According to the Government, of the workers who earn the minimum wage, approximately 43 percent are between the ages of 15 and 19.

The law sets hours of work and occupational safety and health standards. The legal workweek is 48 hours and is scheduled to be reduced to 45 hours on January 1, 2005. The maximum workday length is 10 hours, but positions such as caretakers and domestic servants are exempted. All workers enjoy at least one 24-hour rest period during the workweek, except for workers at high altitudes who voluntarily exchange a work-free day each week for several consecutive work-free days every 2 weeks.

Occupational health and safety are protected under the law and administered by both the Ministries of Health and of Labor. The Government has increased resources for inspections by over 60 percent since 1990 and plans almost to double the current number over the next 3 years, while targeting industries guilty of the worst abuses. As a result, enforcement is improving, and voluntary compliance is fairly good. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. Workers who remove themselves from situations that endanger their health and safety have their employment protected if a real danger to their health or safety exists.

f. Trafficking in Persons

There are no laws that specifically prohibit all forms of trafficking in persons; however, the law makes it a crime for anyone to promote or facilitate the entry to or exit from the country of persons for the purpose of facilitating prostitution. Sanctions are increased in cases in which the victim is a minor; in which violence or intimidation is used; if deception or abuse of authority is involved; if the victim is related or under the tutelage of the perpetrator; if advantage is taken of a victim's circumstances or handicap; or if the action is of a recurring

nature. There were no reports that persons were trafficked to or from the country.

The Government employs various measures to help educate the general population on trafficking. For example, the Carabinero Public Relations Department has carried out lectures on prevention intended for children, adolescents, and adults with the purpose of preventing the disappearance of minors and adolescents as well as avoiding deception. Other organizations such as Mother's Centers (CEMA), and the National Service for Minors also offer support programs to prevent trafficking.

If cases of trafficking in persons were to arise, the police, Justice and Interior Ministries, SERNAM (if the cases involved women), or SENAME (if the cases involved children) would respond.